



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,444	06/06/2001	Bruce R. Baird	15184.2	5041

7590 09/12/2003

John C. Stringham
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,444

Applicant(s)

BAIRD ET AL.

Examiner

Isaac M Woo

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (U.S. Patent No. 6,338,059, hereinafter, "Fields").

With respect to claims 1, 10-11 and 15, Fields discloses the system having at least one application, a method for executing a search from within the at least one application, selecting one or more search data or terms, see (35, FIG. 1A, FIG. 3, col. 4, lines 38-59) within the at least one application in the computer system (col. 9, lines 8-34), see (col. 8, lines 60-67 to col. 9, lines 1-9); activating the one or more search data or terms (selected word, 35, FIG. 1A); performing a search data from within the at least one application, based on the one or more search terms, see (using search button, 41, FIG. 1A, FIG. 3, col. 4, lines 38-59, col. 6, lines 5, lines 51-67 to col. 6, lines 1-24); and returning search results to a user within the at least one application (search application, for instance, dictionary, yahoo, amazon buttons, etc, FIG. 1B), wherein the user views

Art Unit: 2172

the search results (FIG. 2) within at least one application, see (111, FIG. 5, col. 2, lines 18-18). Fields discloses the performing the search, see (FIG. 3, col. 4, lines 38-59). Fields does not explicitly disclose the user is not required to open another application. However, Fields discloses the user can select one search engine (application) from col. 2, lines 8-18 and FIG. 1B shows one search engine (application) is selected, which teaches that once one search button (check box button) is selected, the other are disabled. Therefore, it would have been obvious a person having ordinary skill in the art the time invention was made to include the user is not required to open another application to the system of Fields to disable the other search application one search application is selected. Because the check box button is allowed to execute one application at one time without performing multiple executing application in computer system.

With respect to claim 2, Field discloses at least one application is selected from the group of: word processor; spreadsheet, database, image processor; web browser; text recognition; email client, and operating system, see (col. 1, lines 10-43).

With respect to claims 3-5, Field discloses automatically selecting the one or more search terms and configuring search and context of the one or more search terms pursuant to predefined rules, see (col. 3, lines 1-44).

With respect to claim 6, Fields discloses the storing the search results, see (FIG. 2, col. 4, lines 23-38).

With respect to claims 7-8, Fields discloses search performing and search results to the user without the user having to exit the at least one application, see (FIG. 2, col. 4, lines 23-38).

With respect to claim 9, Fields discloses the manipulating, by a user, the search results, see (col. 4, lines 38-67 to col. 5, lines 1-33).

With respect to claim 12, Fields discloses that the search data comprises text (word is text), see (FIG. 1A, col. 3, lines 45-67).

With respect to claim 13, Fields discloses that the configuring the search, see (col. 3, lines 45-67 to col. 4, lines 1-67).

With respect to claim 14, Fields discloses that selecting at least one search location, see (FIG. 1B, col. 4, lines 14-38).

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (U.S. Patent No. 6,338,059, hereinafter, "Fields") in view of Braseth et al (U.S. Patent No. 5,701,473, hereinafter, "Braseth").

With respect to claims 16-17, Fields discloses the computer system having access to one or more applications, the computer system connected to a network, a method for searching over the network, see (col. 1, lines 10-54, col. 2, lines 8-29), within an application, previewing data within at least one application (for instance, Tivoli, cnn, yahoo, amazon, etc, FIG. 5, FIG. 1B); selecting a portion of the previewed data as search terms, see (103, FIG. 5, col. 5, lines 34-67 to col. 6, lines 1-55); performing a search based on the portion of the previewed data, see (FIG. 5, col. 5, lines 33-67 to col. 6, lines 1-55); caching search results from the search, wherein the search results are readily available to a user, see (FIG. 3, col. 4, lines 38-67). Fields discloses the search word (data) (FIG. 5, col. 5, lines 34-67 to col. 6, lines 1-55). Fields does not explicitly disclose the search data "without user input". However, Braseth discloses the search without input data, see (col. 3, lines 43-63). Therefore, it would have been obvious a person having ordinary skill in the art the time invention was made to combine the without user input to the system of Fields to search data without user input. Because searching without user input provides automatic search system without user interaction, and without user interaction helps the system's automatic search and saves searching time.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al (U.S. Patent No, 6,556,987) discloses the system for automatic text classification system provided which extracts words and word sequences from a text or texts to be analyzed. The extracted words and word sequences are compared with training data comprising words and word sequences together with a measure of probability with respect to the plurality of qualities. Each of the plurality of qualities may be represented by an axis whose two end points correspond to mutually exclusive characteristics. Based on the comparison, the texts to be analyzed are then classified in terms of the plurality of qualities. In addition, a fuzzy logic retrieval system and a system for generating the training data are provided.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

IMW
September 2, 2003


SHAHID ALAM
PRIMARY EXAMINER